

II. REMARKS/ARGUMENTS

The Applicants gratefully acknowledge the potential allowability of claims 1 to 12.

A. Summary of the Amendments

Minor amendments have been made to claims 1 to 4, 8, 11 and 12 in order to clarify the subject matter being claimed.

Claims 13 and 14 have been cancelled without prejudice. The Applicants reserve the right to file one or more divisional patent applications directed to the subject matter of claims 13 and 14 prior to issuance to patent of the present application.

It is respectfully submitted that no new matter has been added to the present application by the present amendment.

B. Summary of Objection, Rejection and Reply

B.1 Objection to the drawings

On page 2 of the Office Action, the Examiner objected to the drawings for failure to comply with 37 C.F.R. 1.84(p)(5) since reference character 64 in Figure 4 is allegedly not mentioned in the description.

It is respectfully submitted that the Examiner has erred in making this objection since reference character 64 is mentioned at page 8, line 1 of the description as originally filed. Accordingly, the Examiner is respectfully requested to withdraw her objection to the drawings.

B.2 Rejection of claims 1 to 12 under 35 U.S.C. 112

On page 2 of the Office Action, the Examiner rejected claims 1 to 12 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner indicated that she considered that claims 1 to 12 are indefinite since claim 7 indicates that “the at least one stacking head includes two adjustable holding members where claim 1 requires one adjustable holding member only”. The Examiner suggested amending claim 1 to change “an adjustable holding member” to “at least one adjustable holding member”.

It is respectfully submitted that the Examiner’s interpretation of “an adjustable holding member” in claim 1 (as it stood prior to this response) as meaning only one adjustable holding member is incorrect. Rather, “an” adjustable holding member clearly encompasses both one adjustable holding member and more than one adjustable holding member, as more than one adjustable holding member includes “an” adjustable holding member.

Notwithstanding the previous paragraph, in order for this application to proceed to allowance, claim 1 as been amended as suggested by the Examiner and “an adjustable holding member” has been changed to “at least one adjustable holding member”.

The Examiner indicated on page 3 of the Office Action that claims 1 to 12 would be allowable if rewritten or amended to overcome the above rejection under 35 U.S.C. 112. Accordingly, it is respectfully submitted that claims 1 to 12, as amended, are in full compliance with 35 U.S.C. 112 and are in condition for allowance.

III. CONCLUSION

The Applicants are of the view that claims 1 to 12 are in condition for allowance. Favorable reconsideration is respectfully requested. Early allowance of the application is earnestly solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brigitte Mattar', is written over a horizontal line.

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Date: July 19, 2005

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